

October 9, 2003

Corbin Davis
Clerk, Michigan Supreme Court
P. O. Box 30052
Lansing, MI 48909

RE: ADM File No. 2003-15

Dear Mr. Davis:

The Section Council of the Appellate Practice Section of the State Bar of Michigan has several concerns about the proposed revisions to Administrative Order 1993-5 that were published for comment on July 1, 2003.

1. Even as revised, the proposed rules do not include a clear definition of "ideological activity." At minimum, the Court should define the term in a manner that explicitly excludes Section comments on proposals to amend the Michigan Court Rules or other rules of practice. While we understand that the proposed rule is a response to the Legislature's desire for more clarity regarding comments by State Bar Sections, we think that the rules should reflect that the audience for comments on pending legislation is different from that for comments on matters related to courts and procedure.
2. We believe that the recent revision of Articles VIII and IX of the By-Laws of the State Bar of Michigan, adopted on June 13, 2003, adequately address the issues noted in this Court's "Staff Comment" to Section II(F) of ADM File 2003-15.
3. The requirements of Section II(F)(3)-(6) will constitute an unnecessary burden on Section communications.
4. The revised rules, like Article VIII(9)(3) of the State Bar by-laws, should also provide expressly that amicus briefs are excepted from the requirements of Section II(F), or, at a minimum, that amicus briefs need not comply with the requirements of Section II(F)(3)-(6).

Please call me if you require any additional information.

Very truly yours,

Victor S. Valenti
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